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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NELSON,

Defendant.

Case No.: 2:20-cr-00183-GMN-BNW-1

**Stipulation to Continue Change of Plea
Hearing**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, United States Attorney, and Jared Grimmer, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for James Nelson, that the Change of Plea Hearing currently scheduled on March 24, 2021 at 9:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than April 1, 2021.

This Stipulation is entered into for the following reasons:

1. Counsel for the Government will be unavailable during this requested time period.

2. The defendant is in custody and agrees with the need for the continuance.
3. The parties agree to the continuance.
4. As a result, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first request for a continuance of the Change of Plea hearing.

DATED this 11th day of March, 2021.

RENE L. VALLADARES
Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Nisha Brooks-Whittington
NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

By /s/ Jared Grimmer
JARED GRIMMER
Assistant United States Attorney

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ORDER

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court finds

1. Counsel for the Government will be unavailable during this requested time period.
2. The defendant is in custody and agrees with the need for the continuance.
3. The parties agree to the continuance.
4. As a result, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first request for a continuance of the Change of Plea hearing. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the change of plea date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The additional time requested is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the Change of Plea hearing currently scheduled for Wednesday, March 24, 2021 at 9:00 a.m., be vacated and continued to April 7, 2021, at the hour of 10:00 a.m. in Courtroom 7D before Judge Gloria M. Navarro.

DATED this 16 day of March, 2021.


HONORABLE GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE